

(b) (6), (b) (7)(C)

From: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Sent: Tuesday, February 25, 2020 12:31 PM
To: (b) (6), (b) (7)(C)
Cc: Tarbox, Christopher P (LABOR); Meacham, James (LABOR); Demick, Paul F (LABOR)
Subject: FW: 613 Fire

Here are Wayne's samples.

Jason Pensabene
Senior Industrial Hygienist

New York State Department of Labor | Asbestos Control Bureau
Harriman State Office Campus
Building 12, Room 166, Albany NY 12240
Office: 518-457-2072 | Work Cell: 518-337-1440 | jason.pensabene@labor.ny.gov
Facebook | Twitter | YouTube | LinkedIn



From: Wayne Lonstein <wayne@signallaw.com>
Sent: Tuesday, January 21, 2020 10:08 AM
To: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Cc: Jcl C. Lonstein <julie@signallaw.com>
Subject: 613 Fire

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Jason

As referenced here is the test results from the fire debris on our property border.

I do think there are other contaminant concerns and if there is a cleanup scheduled I hope water air and ground sampling should be ongoing.

Please feel free to contact me with any questions.

10:30

LTE

613 Fire

Asbestos in Burnt wre...

Date Collected : 08/29/2019

Collected By : Taylor R. Weber

Date Received : 09/17/2019

Date Analyzed : 09/19/2019

analyzed By : Damien Warner

signature : 

analytical Method : 40 CFR Part 763, Sub. E, App. E/NYS-DOH 198.1 (PLM)

IVLAP Lab Code : 101646-0

NYS Lab No. : 10853

Client : Crown Environmental, LLC

7 North Mountain View MHP

Stony Point, NY 10980

sample ID Number

01-01

appt Number

ab ID Number

2645197

sample Location

Lonstein Property

Borderline, Ground

sample Description

Burnt Debris Pile

Method of Quantification

Point Count

appearance

Layered

No

Homogenous

No

Fibrous

Yes

Color

Black/White

sample Treatment

Homogenized

asbestos

% Amosite

0.0

content

% Chrysotile

4.3

% Other

0.0

% Total Asbestos

4.3

Other Fibrous

% Fibrous Glass

0.0

materials

% Cellulose

0.0

yes/no

% Other

0.0

% Unidentified

0.0

Non-Fibrous

% Silicates

0.0

materials

% Carbonates

0.0

yes/no

% Other

0.0

% Unidentified

95.7

Not Applicable To These Tests: Report Cannot Be Reproduced, Except Entirely, Without Written Approval of the Laboratory.

Results Limited To Client Use Only: This Report Must Not Be Used by the Client or Other Parties for Enforcement by NYSDAP or Any Agency of the US Government.

Not Applicable To: New York State Department of Environmental Conservation, Division of Environmental Protection, Division of Environmental Health, Division of Environmental Planning, Division of Environmental Quality, Division of Environmental Science, Division of Environmental Technology, Division of Environmental Health, Division of Environmental Planning, Division of Environmental Quality, Division of Environmental Science, Division of Environmental Technology.





Wayne D. Lonstein, Esq.
 Lonstein Law Office, PC
 190 S Main St.
 Ellenville, NY 12428

845- 647-8500
wayne@signallaw.com

2

Sent from my cell phone please excuse typos

On Jan 21, 2020, at 9:41 AM, Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov> wrote:

Hi Wayne,

I heard that you lost my email address. Here it is again.

Jason Pensabene

Senior Industrial Hygienist

New York State Department of Labor | Asbestos Control Bureau

Harriman State Office Campus

Building 12, Room 166, Albany NY 12240

Office: 518-457-2072 | Work Cell: 518-337-1440 | jason.pensabene@labor.ny.gov

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<image001.png>

(b) (6), (b) (7)(C)

From: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Sent: Tuesday, February 25, 2020 12:35 PM
To: (b) (6), (b) (7)(C)
Cc: Tarbox, Christopher P (LABOR); Demick, Paul F (LABOR); Meacham, James (LABOR)
Subject: FW: Variance
Attachments: 19-1643.pdf

Jason Pensabene

Senior Industrial Hygienist

New York State Department of Labor | Asbestos Control Bureau

Harriman State Office Campus

Building 12, Room 166, Albany NY 12240

Office: 518-457-2072 | Work Cell: 518-337-1440 | jason.pensabene@labor.ny.gov

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From: Dippel, Melissa (LABOR) <Melissa.Dippel@labor.ny.gov>
Sent: Monday, December 30, 2019 11:17 AM
To: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Subject: RE: Variance



Melissa Dippel

Secretary 1

New York State Department of Labor | Engineering Services Unit

Harriman State Office Campus

Building 12, Room 154, Albany NY 12240

Office: 518-457-1536 | Melissa.Dippel@labor.ny.gov

Facebook | Twitter | YouTube | LinkedIn



From: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Sent: Monday, December 30, 2019 11:12 AM
To: Dippel, Melissa (LABOR) <Melissa.Dippel@labor.ny.gov>
Subject: Variance

Melissa,

Do we have a variance from QuES&T for 188 S Main St in Ellenville?

Jason Pensabene

Senior Industrial Hygienist

New York State Department of Labor | Asbestos Control Bureau

Harriman State Office Campus

Building 12, Room 166, Albany NY 12240

Office: 518-457-2072 | Work Cell: 518-337-1440 | jason.pensabene@labor.ny.gov

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Andrew M. Cuomo, Governor
Roberta L. Reardon, Commissioner

December 19, 2019

QUEST
1376 Route 9
Wappingers Falls, NY 12590

RE: File No. 19-1643

Dear Sir/Madam:

**STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH**

The attached is a copy of Decision, dated, 12/18/2019, which I have compared with the original filed in this office and which I DO HEREBY CERTIFY to be a correct transcript of the text of the said original.

If you are aggrieved by this decision you may appeal within 60 days from its issuance to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, State Office Building Campus, Building 12, Room 116, Albany, New York, 12240 as prescribed by its Rules and Procedure, a copy of which may be obtained upon request.

WITNESS my hand and the seal of the
NYS Department of Labor, at the City of
Albany, on this day of 12/18/2019.



Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

of

QUEST, Inc.
Petitioner's Agent on Behalf of

613 Auto Holding, LLC
Petitioner

in re

Premises: Automotive Dealership
188 South Main Street
Ellenville, New York 12428

Site Cleanup

File No. 19-1643

DECISION

Cases 1-8

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 19-1643 on December 18, 2019 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated December 17, 2019 and;

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1
Case No. 2
Case No. 3
Case No. 4

ICR 56-7.5
ICR 56-7.7
ICR 56-7.10 (c)
ICR 56-7.11 (a-f)

Case No. 5
Case No. 6
Case No. 7
Case No. 8

ICR 56-8.1
ICR 56-9.1 (a-f)
ICR 56-9.2 (d)
ICR 56-11.5(c)(10)

VARIANCE GRANTED. The Petitioner's proposal for cleanup of exterior ACM debris at the subject premises in accordance with the attached 10-page stamped copy of the Petitioner's submittal, is accepted; subject to the Conditions noted below:

THE CONDITIONS

1. A full-time independent project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.
2. The Project Monitor shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:
 - a. Inspection of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor;
 - b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used and are in compliance with all asbestos laws and regulations;
 - c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable rules and/or regulations;
 - d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.
3. The PM shall alert the local District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project site which present a significant potential to adversely affect human health or the environment.

4. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.
4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.
5. This DECISION shall terminate on March 18, 2020.

Date: December 18, 2019

ROBERTA L REARDON
COMMISSIONER OF LABOR

By


Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Mark G. Wykes, P.E.
Professional Engineer 1 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

QuES&T

Quality Environmental Solutions & Technologies, Inc.

December 17, 2019

Mr. Edward Smith, P.E.
Engineering Services Unit
NYS Department of Labor
State Campus, Bldg. 12, Room 154
Albany, New York 12240

Dear Mr. Smith,

Attached is a petition for variance relating to clean-up of exterior localized presumed asbestos-containing materials and associated suspect debris, the debris is the result of a fire which has damaged a complete automotive repair shop along with associated automobiles and shop tools. The burnt buildings have been since covered with tarps as the fire investigation was performed. A contamination assessment was performed on November 29, 2019. The property is known as 613 Automotive, located at 188 South Main Street, Ellenville, NY 12428. The property owner 613 Auto Holding LLC. would like to begin the site cleanup as soon as possible. The contamination is limited a portion of a fenced in area. The fenced in area is approximately 25,000 square feet of which debris is spread out over approximately a 20,000 square foot area. Presumed Asbestos-containing materials and associated suspect debris left after the building fire is scattered within the footprint of the building plus approximately 25 feet on all sides. Please see attached photos pertaining to this property.

The Scope of Work addressed within this Variance includes the following:

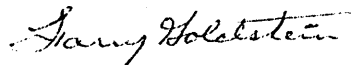
1. All ground locations with identified PACM and associated suspect debris shall be regulated at lateral distance of 25' from the outermost limited of identified PACM and associated debris.
2. All visible suspect debris observed at each ground location shall be considered PACM.
3. Cleanup and removal of all identified suspect PACM shall be performed in conformance with the requirements of this Site-Specific Variance and ICR 56.

This Site Variance addresses completion of Items 1 - 3 listed above for the entire contaminated area location identified within the and is limited to the cleanup and disposal of identified PACM debris within the 25' regulated area of each location. All identified PACM debris observed, will be properly wetted, removed and packaged for disposal.

The proposed procedure incorporates the use of wet methods and manual procedures for collection and disposal of visible identified PACM debris. As such, use of this procedure will 1) not expose removal workers or the general public to elevated levels of asbestos fibers, 2) address practical operational problems in safe conduct of this project and 3) alleviate unnecessary financial hardship to the Owner.

If you require additional information regarding this submittal, please contact me. Thank you for your consideration regarding this matter.

Sincerely,



Larry Goldstein
Project Manager, Field & Technical Services
NYS/AHERA Inspector/Project Designer
Management Planner Cert. #AH 12-20855
NYS Mold Assessor Cert. # MA01428
NYC DEP Investigator Cert. #143355

1. The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research.

2. The second part of the report is a detailed description of the methodology used in the study. It includes information about the sample size, the data collection methods, and the statistical analysis techniques.

3. The third part of the report is a presentation of the results of the study. It includes tables, figures, and text describing the findings of the research.

4. The fourth part of the report is a discussion of the results and their implications. It discusses the strengths and limitations of the study and provides suggestions for future research.

5. The fifth part of the report is a conclusion that summarizes the main findings of the study and provides a final statement on the research.

6. The sixth part of the report is a list of references that includes all the sources used in the study.

7. The seventh part of the report is an appendix that contains additional information that is not included in the main body of the report.

8. The eighth part of the report is a glossary that defines the key terms used in the study.

9. The ninth part of the report is a list of figures and tables that are included in the study.

10. The tenth part of the report is a list of abbreviations that are used in the study.

11. The eleventh part of the report is a list of acknowledgments that thank the people who helped with the study.

12. The twelfth part of the report is a list of appendices that are included in the study.

13. The thirteenth part of the report is a list of references that includes all the sources used in the study.

14. The fourteenth part of the report is an appendix that contains additional information that is not included in the main body of the report.

15. The fifteenth part of the report is a glossary that defines the key terms used in the study.

16. The sixteenth part of the report is a list of figures and tables that are included in the study.

17. The seventeenth part of the report is a list of abbreviations that are used in the study.

18. The eighteenth part of the report is a list of acknowledgments that thank the people who helped with the study.

19. The nineteenth part of the report is a list of appendices that are included in the study.

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

Nature of Work:

The project involves clean-up of identified PACM debris from A burnt structures located at 188 South Main Street, Ellenville, NY 12428. Limited localized areas of identified PACM debris were identified during the contamination assessment of the property. The property consists of a former automotive dealership and repair facility, there are also two outer garages that are not disturbed at this time. The building is surrounded by black top driveways on all sides. All PACM debris identified during the contamination assessment will be properly wetted, removed and packaged for disposal.

The Scope of Work addressed within this Variance includes the following:

1. All ground locations with identified PACM and associated suspect debris shall be regulated at lateral distance of 25' from the outermost limited of identified PACM and associated debris.
2. All visible suspect debris observed at each ground location shall be considered PACM.
3. Cleanup and removal of all identified suspect PACM shall be performed in conformance with the requirements of this Site-Specific Variance and ICR 56.

The proposed procedure incorporates the use of wet methods and manual procedures for collection and disposal of visible suspect PACM debris. As such, use of this procedure will 1) not expose removal workers or the general public to elevated levels of asbestos fibers, 2) address practical operational problems in safe conduct of this project and 3) alleviate unnecessary financial hardship to the Owner.

Access to each identified location on the property shall remain restricted until cleanup activities and final visual inspections are complete. Only certified asbestos workers shall be permitted until cleanup of all identified ACM and PACM debris locations are removed and properly packaged for disposal.

Upon completing all removal/packaging of identified PACM debris and final visual inspection by the full time Project Monitor from all locations within the property, the exterior site cleanup project shall be considered complete.

Applicable Sections:

56-7.5 Personal and Waste Decontamination System Enclosures
56-7.7 Electric Power
56-7.10(c) Regulated Abatement Area Pre-Cleaning
56-7.11(a) through (f) Regulated Abatement Work Area Enclosures
56-8.1 Air Sampling Requirements
56-9.1 (a) through (f) Final Cleaning Procedures
56-9.2(d) Clearance Air Sampling
56-11.5(c)(10) Wastewater

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

SPECIFIC VARIANCE

1. Ground surfaces on which no ACM or PACM debris has been identified will be considered clean and no further action shall be required to exclude these areas from classification as regulated abatement areas.
2. Cleanup and packaging of identified ACM and PACM debris shall be conducted as follows:
 - No dry disturbance or removal of asbestos material shall be permitted.
 - All identified ACM and PACM debris observed on the ground surface shall be thoroughly wetted, moved using both manual and mechanical methods and placed directly into leak tight container / Poly lined dumpsters.
 - The ground immediately below the identified ACM and PACM debris shall be wetted and manually scraped or scraped using an excavator and any residual ACM/PACM contamination shall be removed and disposed.
 - Non-suspect materials and non-ACM materials (metal) identified on site will be segregated for disposal as non-ACM debris.
3. The immediate asbestos work area shall be considered the area where identified PACM debris is being actively wetted and removed. The regulated abatement area shall be considered the immediate work area, to the furthest extent of identified, visible, debris. Access to the regulated abatement work area will be restricted in conformance with ICR-56-7.4(b). Uncertified persons shall not be permitted within the immediate work area.
4. Methods that raise dust, such as dry sweeping or vacuuming with equipment not equipped with HEPA filters, shall be prohibited.
5. ACM/PACM waste shall be properly double bagged wrapped & sealed or directly loaded into a waste container with a minimum of two layers of 6-mil poly and duct taped seams to create leak tight containers. Disposal of properly packaged ACM/PACM waste shall be by legal methods.
6. Non-porous salvage items co-mingled with ACM/ PACM debris may be decontaminated and released as specified in Industrial Code Rule 56-11.4(b)(1).
7. All Debris shall be considered asbestos containing waste (will be disposed of as RACM), except for structural members, steel components and similar non-suspect items which shall be fully decontaminated and disposed of as non-ACM.

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

Specific Variance Cont'd...

56-7.5

We are asking for exemption from a portion of this section based on the project being a clean-up of existing identified PACM debris from fire damage, the property with has no utilities at this time.

We propose to do the following:

- Contractor shall install a Personal/Equipment Decontamination Area adjacent to the cleanup location in accordance with 56-11.3(e)(1). The Personal/Equipment Decontamination Area shall be removed only after satisfactory clearance criteria has been met, for each cleanup location.
- ACM/PACM shall be properly wetted and packaged for disposal in the field during collection. Therefore, the use of a waste decontamination enclosure is not required. Properly packaged waste shall be placed directly into a waste transport trailer/dumpster, for transport from the work site.
- Workers shall don two (2) sets of disposable protective clothing. Removal of Personal Protective Equipment shall be in accordance with 56-8.3(2)(iv).
- Carts or wheelbarrows may be used for transport, of properly wetted and bagged debris. If used, carts shall be watertight, be covered with one layer of six (6) mil poly during transport and shall be HEPA vacuumed and wet cleaned at the end of each shift.
- Properly packaged waste will be placed directly into a trailer/dumpster conforming to the requirements of 56-8.9(g) and disposed of by legal methods.

56-7.10(c)

56-7.11(a) through (f)

The project involves cleanup and removal of identified PACM debris from a burnt structure. Cleanup of all identified ACM and PACM debris will require disturbance of ACM/PACM during pre-cleaning/cleanup activities. We are asking exemption from this section based on the absence of containment. Installation of poly on exterior ground surfaces will restrict access to the ground surfaces which require cleaning.

Access to the location on the property shall remain restricted until cleanup activities and final visual inspections are complete. Only certified asbestos workers shall be permitted until cleanup of all identified ACM and PACM debris locations are removed and properly packaged for disposal.

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

Specific Variance Cont'd...

- Personal protective equipment as required by ICR 56- 7.5(d)(1) shall be provided and used by all persons within the work area.
- Only persons who are directly involved with the project and who have the required certification shall be permitted within the work area.
- All gross debris in the work area shall be considered PACM. Prior to disturbance or removal from the work area all porous and suspect debris shall be adequately wetted with amended water. Adequately wetted waste shall then be properly packaged and labeled for disposal as ACM waste.
- ACM/PACM waste shall be properly place into dumpster lined with a minimum of two layers of 6-mil poly to create leak tight containers. Disposal of properly packaged ACM/PACM waste shall be by legal methods.
- Carts or wheelbarrows may be used for transport, of properly wetted and bagged ACM/PACM debris, to the trailer/dumpster. Carts shall be watertight, be covered with one layer of six (6) mil poly during transport, and shall be HEPA vacuumed and wet cleaned at the end of each shift.
- Non-porous salvage items may be decontaminated and released as specified in Industrial Code Rule 56-11.4(b)(1).
- Loose material on the ground containing ACM or PACM shall be wet thoroughly with amended water prior to disturbance. ACM and PACM contaminated materials shall be thoroughly wetted with amended water and placed directly into a properly lined container.
- Upon completing removal of ACM/PACM debris, all ground surfaces, within the active regulated area shall be thoroughly inspected to ensure no visible debris is present. Due to the absence of containment, Final Cleaning and Clearance Procedures shall comply with 56-11.6(e).
- Upon completion of cleaning activities, an authorized and qualified individual; independent of the removal project, (i.e.: the Project Monitor) shall confirm that the scope of abatement work for the project is complete, and no visible debris/residue or pools of liquid remain.
- Once the satisfactory clearance criteria has been met, in which debris has been identified, the area may be broken down and no longer considered a regulated area.

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

Specific Variance Cont'd...

56-8.1(b)

We are asking for limited exemption from this section based on the project being a clean-up of existing PACM debris in a remote outdoor property with no utilities.

- Personal protective equipment as required by ICR 56- 7.5(d)(1) shall be provided and used by all persons within the work area.
- Only persons who are directly involved with the project and who have the required certification shall be permitted within the work area.

56-9.1(a) through (f)

We are asking for limited exemption from this section based on the absence of a negative pressure containment and the project being a clean-up of existing ACM and PACM debris in a remote outdoor property with no utilities.

56-9.2(d)

We are asking for limited exemption from this section based on the absence of a negative pressure containment and the project being a clean-up of existing ACM and PACM debris in a remote outdoor property with no utilities.

- Upon completing removal of asbestos containing materials, all surfaces, within the regulated area shall be thoroughly inspected to ensure no visible ACM/PACM debris is present. The ground immediately below the ACM/PACM debris shall be wetted and manually scraped and any residual ACM/PACM contamination shall be removed and disposed.
- Due to the absence of containment, Final Cleaning and Clearance Procedures shall comply with 56-11.6(e).
- Upon completion of cleaning activities, an authorized and qualified individual; independent of the removal project, (i.e.: the Project Monitor) shall confirm that the scope of abatement work for the project is complete, and no visible debris/residue or pools of liquid remain.
- Once the satisfactory clearance criteria has been met, in which visible ACM and PACM debris was observed, the abatement project shall be considered complete and the area shall no longer be considered a regulated area.
- Upon completing the visual inspection and the removal/packaging of ACM/PACM from all ground areas, exterior site cleanup project shall be considered complete.

**PETITION FOR VARIANCE
CLEAN-UP OF EXTERIOR ACM & PACM DEBRIS
613 AUTO HOLDING LLC.
188 SOUTH MAIN STREET, ELLENVILLE, NY 12428**

191643

56-11.5

We are asking for limited exemption from this section based on the fact that the entire property is black topped and slanted to one elevation towards the rear east side of the property. We propose to create a barrier using hay bales wrapped in poly most of the length of the east perimeter to collect wastewater. The water will be filtered through a 5-micron filter as required by code rule. All hay bales will be disposed of as ACM waste and removed as part of breakdown procedures.

GENERAL CONDITIONS

1. A copy of this SITE-SPECIFIC VARIANCE shall be conspicuously posted at the entrance to the personal decontamination enclosure.
2. All other provisions of Industrial Code Rule 56 shall be complied.

191643

QuES&T
Quality Environmental Solutions & Technologies, Inc.
CONTAMINATION ASSESSMENT

CLIENT: 613 Auto Holding LLC

BUILDING ADDRESS: 188 South Main Street, Ellenville, NY 12428

PROJECT IDENTIFICATION: 613 Auto Holding LLC

PROJECT #: Q19-3059

INSPECTOR: Larry Goldstein CERTIFICATE #: 12-20855

DISTURBANCE LOCATION: 188 South Main Street

DATE OF DISTURBANCE August 2019

DATE OF INSPECTION: 11/29/2019

What type of material was disturbed? Structure Fire

What quantity of material was disturbed? Total building square footage prior to the fire 20,000. Piles of debris Approx. 20,000 SF.

How was the material disturbed? Fire Damage

Has the area been vacated? [X] Yes [] No

If yes, when was it vacated 09/2019

Has the area been isolated? [X] Yes [] No

If yes, how has it been isolated? The owner of the property had a chain link fence around the affected area. There's no access to the affected areas other than certified personnel.

Is the material disturbed know to be ACM? [X] Yes [] No

If no, were bulk samples taken? [] Yes [X] No

Material Sampled	Friability	Type of Analysis	Asbestos Greater Than 1.0%?	Comments

QuES&T
Quality Environmental Solutions & Technologies, Inc.
CONTAMINATION ASSESSMENT

191643

Visual Assessment:

The affected areas consist of a fire damaged building. It also appears that no material made its way beyond the immediate affected area. The affected area will need to be cleaned using wet methods and all pours materials will need to be disposed of as ACM contaminated waste. A NYSDOL variance will be required for the clean up.

Were air samples taken? [] Yes [X] No

Location	Static / Aggressive?	Type of Analysis	Result	Comments

Recommendations: Obtain a NYSDOL Site Specific Variance to permit cleanup and stabilization of ACM Debris.

INSPECTOR SIGNATURE: *Larry Holstein* **DATE:** 12/17/2019

INSPECTOR CERTIFICATE #: 12-20855

Reviewed by:

PROJECT DESIGNER: Laurence Goldstein

PROJECT DESIGNER SIGNATURE: *Larry Holstein* **DATE:** 12/17/2019

PROJECT DESIGNER CERTIFICATE #: 12-20855

191643

QuES&T
Quality Environmental Solutions & Technologies, Inc.
CONTAMINATION ASSESSMENT

PHOTOS of WORKSITE



(b) (6), (b) (7)(C)

From: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Sent: Thursday, February 27, 2020 11:59 AM
To: (b) (6), (b) (7)(C)
Cc: Tarbox, Christopher P (LABOR); Meacham, James (LABOR)
Subject: FW: Ellenville - 613 Automotive
Attachments: MX-5070V_20200227_111027.pdf

(b) (6), (b) (7)(C)

Just wanted to let you know that the asbestos project that you received the complaint about in Ellenville is complete. The last day air sample results are attached.

Jason Pensabene
Senior Industrial Hygienist

New York State Department of Labor | Asbestos Control Bureau
Harriman State Office Campus
Building 12, Room 166, Albany NY 12240
Office: 518-457-2072 | Work Cell: 518-337-1440 | jason.pensabene@labor.ny.gov
Facebook | Twitter | YouTube | LinkedIn



From: Larry Goldstein <lgoldstein@qualityenv.com>
Sent: Thursday, February 27, 2020 11:26 AM
To: Pensabene, Jason P (LABOR) <Jason.Pensabene@labor.ny.gov>
Cc: Larry Goldstein <lgoldstein@qualityenv.com>
Subject: Ellenville - 613 Automotive

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Jason please let me know if you need anything else,

Regards,

Larry Goldstein
Project Manager, Technical Services
Quality Environmental Solutions & Technologies, Inc.
1376 Route 9
Wappingers Falls, NY 12590

NYSMWBD MBE Cert # 49952-2006
NYS UCP DBE Certified
NJ UCP DBE Certified

Online: www.qualityenv.com

(V) [845-298-6031](tel:845-298-6031)

(F) [845-298-6251](tel:845-298-6251)

(C) [845-249-9327](tel:845-249-9327)

E-Mail: lgoldstein@qualityenv.com

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Eastern Analytical Services, Inc.

Air Sample Report

RE: CPN Q19-3059 - 613 Holding, LLC - 188 South Main Street - Ellenville, NY - Work Area

1

Date Collected: 02/19/2020

Collected By: Justin Holliman

Date Received: 02/19/2020

Date Analyzed: 02/19/2020

Analyzed By: Jeffrey B. LaPuebla

Signature: *Jeffrey B. LaPuebla*

Analyte: Fibers

Analytical Method: NIOSH 7400, Issue 2, 08/15/94 (Olympus CX31)

NYS Lab Number: 10851

Client: QuES&T, Inc.

1376 Route 9

Wappingers Falls, NY 12590

Sample ID# / Lab ID#	Time Interval	Sample Location	Sample Notes	Volume (liters)	Concentration
3059-01-AH-01 2673135	0736 1536	Outside Decon Enclosure	Asbestos Handling/Clearance	960.0	8.28 f/mm ² 0.003 f/cc 6.5/100 f/fds
3059-01-AH-02 2673136	0737 1537	Outside Waste Enclosure	Asbestos Handling/Clearance	960.0	8.92 f/mm ² 0.004 f/cc 7/100 f/fds
3059-01-AH-03 2673137	0738 1538	Inside Isolation Barrier	Asbestos Handling/Clearance	960.0	BDL < 7.01 f/mm ² BDL < 0.003 f/cc 4/100 f/fds
3059-01-AH-04 2673138	0739 1539	Environmental Outside Building	Asbestos Handling/Clearance	960.0	8.92 f/mm ² 0.004 f/cc 7/100 f/fds
3059-01-AH-05 2673139	0740 1540	Outside Isolation Barrier	Asbestos Handling/Clearance	960.0	BDL < 7.01 f/mm ² BDL < 0.003 f/cc 2/100 f/fds
3059-01-AH-06 2673140	0742 1542	Outside Isolation Barrier	Asbestos Handling/Clearance	960.0	BDL < 7.01 f/mm ² BDL < 0.003 f/cc 1/100 f/fds
3059-01-AH-07 2673141	0743 1543	Outside Isolation Barrier	Asbestos Handling/Clearance	960.0	BDL < 7.01 f/mm ² BDL < 0.003 f/cc 2/100 f/fds
3059-01-AH-08 2673142	0744 1544	Outside Isolation Barrier	Asbestos Handling/Clearance	960.0	BDL < 7.01 f/mm ² BDL < 0.003 f/cc 4/100 f/fds
3059-01-09 2673143	NA	Not Applicable	Field Blank	0.0	BDL < 7.01 f/mm ² 0/100 f/fds

Volume Supplied by Client for Samples Not Collected by EAS.

BDL = Below Detectable Limits

Liability Limited to Cost of Analysis. Samples received in acceptable condition unless otherwise noted. Results are Not Blank Corrected

Results Applicable to Those Items Tested. Interlab RSD = 0.159; Intralab RSD: (7.0-25.5 f/mm²) = 0.242 25.6-63.7 f/mm²) = 0.16 63.8-127.4 f/mm²) = 0.154 >127.5 f/mm²) = 0.097

AIHA Accreditation No. 100263 Rhode Island DOH No. AAL-072 Massachusetts DOL No. A A 000072 Connecticut DOH No. PH-0622 Maine DEP No. LA-024 Vermont DOH No. AL-709936



EAS Batch No. 2001350

Eastern Analytical Services, Inc.
Air Sample Report

Page 2 of 2

RE: CPN Q19-3059 - 613 Holding, LLC - 188 South Main Street - Ellenville, NY - Work Area

1

Date Collected: 02/19/2020

Collected By: Justin Holliman

Date Received: 02/19/2020

Date Analyzed: 02/19/2020

Analyzed By: Jeffrey B. LaPuebla

Signature: *Jeffrey B. LaPuebla*

Analyte: Fibers

Analytical Method: NIOSH 7400, Issue 2, 08/15/94 (Olympus CX31)

NYS Lab Number: 10851

Client: QuES&T, Inc.

1376 Route 9

Wappingers Falls, NY 12590

Sample ID# / Lab ID#	Time Interval	Sample Location	Sample Notes	Volume (liters)	Concentration
3059-01-10 2673144	NA	Not Applicable	Field Blank	0.0	BDL < 7.01 f/mm ² 0/100 f/flds

Volume Supplied by Client for Samples Not Collected by EAS.

BDL = Below Detectable Limits

Liability Limited to Cost of Analysis. Samples received in acceptable condition unless otherwise noted. Results are Not Blank Corrected

Results Applicable to Those Items Tested. Interlab RSD = 0.159; Intralab RSD: (7.0-25.5 f/mm²) = 0.242 25.6-63.7 f/mm² = 0.16 63.8-127.4 f/mm² = 0.154 >127.5 f/mm² = 0.097

AIHA Accreditation No. 100263 Rhode Island DOH No. AAL-072 Massachusetts DOL No. A A 000072 Connecticut DOH No. PH-0622 Maine DEP No. LA-024 Vermont DOH No. AL-709936

Eastern Analytical Services, Inc.
Chain of Custody Form

EAS Client: QuES&T, Inc.
1376 Route 9
Wappingers Falls, NY 12590

EAS Batch No. 2001350
Turn-Around: 03 Hr
Shipped Via: NY DB004
State of Origin: NY
Sample Disposition: Standard x
Return

Analyte: Fibers

No. of Samples 10
Received:

No. of Samples 10
Analyzed:

Client Project RE: CPN Q19-3059 - 613 Holding, LLC - 188 South Main Street -
Number/Name: Ellenville, NY - Work Area 1

Lab ID Numbers: 2673135-2673142;2673143-2673144

Collected By: Justin Holliman

Date: 02/19/2020

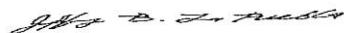
Received By: Jeffrey B. LaPuebla



Date: 02/19/2020

Time: 1921

Logged In By: Jeffrey B. LaPuebla



Date: 02/19/2020

Prepped By: Jeffrey B. LaPuebla



Date: 02/19/2020

Analyzed By : Jeffrey B. LaPuebla



Date: 02/19/2020

Time: 2012

Re-Analyzed By:

Date:

Checked By: Damien Warner



Date: 02/19/2020

E-Transmitted By: Damien Warner



Date: 02/19/2020

Time: 2015

Logged Out By:

Date: